

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAKE CHARLES DIVISION**

<b>KALEN VIXAMAR, A24-719-384</b>	<b>:</b>	<b>DOCKET NO. 2:05-cv-681</b> <b>Section P</b>
<b>VS.</b>	<b>:</b>	<b>JUDGE TRIMBLE</b>
<b>DIRECTOR, IMMIGRATION &amp; CUSTOMS ENFORCEMENT</b>	<b>:</b>	<b>MAGISTRATE JUDGE WILSON</b>

**REPORT AND RECOMMENDATION**

Currently before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Kalen Vixamar, filed pursuant to 28 U.S.C. § 2241. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

In his petition, the petitioner states that he was ordered removed from the United States on October 4, 2004 and that he waived his right to appeal his removal order. He claims that he has been in post-removal-order detention since that time and that his removal is not likely to occur in the reasonably foreseeable future. Petitioner filed this petition challenging his continued detention.

In light of the facts presented by Petitioner, the court ordered the government to respond to the petition. In its response to the court's order, the government moves to dismiss the petition as moot. In support of this position, the government presents documentation which establishes that the petitioner was released from post-removal-order detention on by means of removal from the United States to his native country of Haiti. *See* Government Exhibit A.

At the time that this petition was filed, Petitioner was in post-removal-order custody pursuant

to the statutory authority of the INA, and he sought to have the court review his post removal order detention. However, as Petitioner was released from custody on June 20, 2005, the court finds that his challenge to his detention is now moot and should be dismissed.

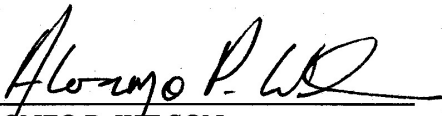
Accordingly,

IT IS RECOMMENDED that the petition be DENIED and DISMISSED as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 9<sup>th</sup> day of August, 2005.

  
ALONZO P. WILSON  
UNITED STATES MAGISTRATE JUDGE